

# *Supreme Court*

## *2003 Annual Caseload*

### *Report*

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# Supreme Court Highlights

## REPORTING CHANGES

- The Supreme Court of Washington State implemented an improved caseload reporting model in 2003. Measurements and tables have been restructured to better reflect the work of the Court and to improve data support of projects of import to the judiciary. These changes were facilitated by the Court's June 2003 implementation of the new Appellate Court Records and Data System (ACORDS-II). Definitions and measurements are not comparable to those reported in prior publications.

## Filings

- In 2003, the Supreme Court received 1,481 new case filings. Three-quarters (75.9% - 1,124 cases) were received from the Court of Appeals. Under 10% of total new filings was contributed by each of the following: trial courts (8.8% - 131 cases), original actions (8.6% - 127 cases), and the Washington State Bar Association (WSBA) and Commission on Judicial Conduct (CJC), which together contributed 6.5% (97 cases). In addition, two cases (0.1% of total filings) were certified by Federal Courts to the Supreme Court for determination of a question of state law not determined by reference to the United States Constitution.
- Two-thirds (64.8%) of Supreme Court cases received from the Court of Appeals were petitions for review - that is, reviews of Court of Appeals decisions that conflict with other Supreme Court or Court of Appeals decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest . . ." (Rules of Appellate Procedure 13.4).
- Of the 131 cases received from trial courts in 2003, just under half (43.5% - 57 cases) were notices of appeal, approximately a third (35.1% - 46 cases) were petitions for expenditures of public funds, and a fifth (21.4% - 28 cases) were discretionary reviews of interlocutory orders of the superior court.
- The WSBA and CJC contribute a small but important portion of the Supreme Court's workload. The 97 cases received in 2003 included attorney-discipline matters. In 2003, no new judicial conduct issues were filed with the Court.
- Overall, total Supreme Court new filings remained fairly stable in 2003 as compared with 2002, down a modest 3.9%.

## Resolutions

- The Supreme Court resolved 1,391 cases in 2003. This generally kept pace with the 1,481 new case filings during the year.
- Three-quarters (75.7%) of case resolutions during calendar year 2003 were either reviews not accepted (580 cases - 41.7%) or other terminations (473 cases - 34.0%). Another 9.5% (132 cases) were dismissed, and 5.4% (75 cases) were transferred to the Court of Appeals. The remaining 9.4% of cases (131 cases) were resolved by opinion.
- The Court mandated 133 opinions, up 9.9% from the year prior (121 opinions), returning to the level of 2001 (130 opinions)

# Pending

- At year's end, 664 cases were pending resolution by the Court.
- Of those, the opinion/order was in process for 47 cases (7.1%). The remaining cases were awaiting hearing, with the bulk not yet ready for setting due to awaiting the filing of further pleadings.

# Supreme Court Glossary

This glossary is included to assist in understanding the statistical tables.

## Filings

**Notice Of Appeal** - A review of a trial court decision in these select circumstances: review is authorized statutorily; an issue of constitutionality is involved; conflicting appellate decisions are at issue; questions of public importance are raised; or, the death penalty was decreed. Notices of appeal directly following a judgment in a superior court as a matter of right must be filed within 30 days. Notices of appeal are categorized into criminal and civil appeals.

Cases opened on notice of appeal can reach the Supreme Court by these means: direct appeal from trial court; certification by the Court of Appeals; granting of a motion to transfer an appeal from the Court of Appeals; or an administrative transfer initiated by the Supreme Court to relieve pressure on the Court of Appeals or because a similar case is already being heard by the Supreme Court.

**Petitions For Review** - A review of any Court of Appeals' decision terminating review. The Supreme Court only accepts reviews of decisions that conflict with other Supreme Court or Court of Appeals' decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest..." (Rules of Appellate Procedure (RAP) 13.4).

**Other Reviews** - The five following categories are grouped under the title "Other Reviews": personal restraint petitions, discretionary reviews, original actions against state officers, petitions for expenditures of public funds, and reviews certified from federal court.

**Personal Restraint Petition** - A petition to seek relief from limitations on a person's freedom due to current or imminent confinement. The Supreme Court normally exercises its jurisdiction over such petitions by transferring them to the Court of Appeals (RAP 16.5).

**Discretionary Review** - A review of interlocutory orders of the superior court. Reviews made prior to a final determination of the case, in which a party argues that the trial court has committed an error pursuant to RAP 2.3(b). Discretionary reviews are in the purview of the Supreme Court under most of the same conditions that apply for notices of appeal. The Supreme Court may be requested by motion for discretionary review, to review interlocutory Court of Appeals' decisions, and decisions on personal restraint petitions.

**Actions Against State Officers** - Both the Supreme Court and the superior courts have concurrent original jurisdiction over a petition against a state officer in the nature of quo warranto, prohibition, and mandamus (RAP 16.2), generally preventing a continued exercise of authority unlawfully asserted.

**Petitions For Expenditures Of Public Funds** - Petitions for expenditure from the indigent defense fund (RAP 15.2).

**Certified From Federal Court** - Reviews certified to determine a question of state law which does not involve a question determined by reference to the United States Constitution (RAP 16.16).

## Dispositions

Cases are considered officially disposed in the Supreme Court as soon as a decision terminating review is filed with the Supreme Court Clerk.

**Opinions** - Those cases which were reviewed by the Court and had an opinion written.

**Motion On The Merits** - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

**Dismissed** - An order, issued by the Court, dismissing the review prior to a determination of the merits. The commissioner or clerk may dismiss a review for failure to comply with procedures. The Court, on motion of a party, may dismiss a review if the review is frivolous, moot, or solely for the purpose of delay. Also, the Court may dismiss reviews for want of prosecution or for failure to comply with procedures (RAP 18.9).

**Transferred To Court Of Appeals** - To promote the orderly administration of justice, the Supreme Court may, on its own initiative or on motion of a party, transfer a case to the Court of Appeals.

**Review Not Accepted** - Reviews disposed through this manner are not accepted because they fail to meet the requirements of review stated in Rule 2 and Rule 13 of the Rules of Appellate Procedure. These requirements are summarized in the above glossary definitions for each review type.

**Terminated** - An order issued by the Court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review.

## Pending

**Case Stayed** - Those cases temporarily arrested or removed from judicial processing by order of the Court.

**Ready For Setting** - Those cases within the stages of perfection which have at minimum had the briefs filed but have yet to be set on the Court calendar for review.

**Not Ready For Setting** - Those cases within the stages of perfection which are ready for consideration but have yet to file further pleadings.

**Set For Motion On The Merits** - Those cases which have been set on the motion on the merits calendar (RAP 18.14).

**Set For Oral Argument** - Those cases which have progressed to the point at which all briefs were filed and served and have been set for review.

**Opinion/Order In Process** - Those cases which have been reviewed by the Court but have yet to receive a decision.

## Mandated

A decision is mandated by the Clerk of the Supreme Court with a written notification of the Court's decision to the originating court and the parties involved.

The Supreme Court  
Court Activity by Source of Review, 2003

	Trial Courts	Court of Appeals	Original Actions	WSBA <sup>2</sup> /CJC	Certified Issues	TOTAL
<b>FILINGS</b>						
Total Filings	131	1,124	127	97	2	1,481
<b>RESOLUTIONS<sup>1</sup></b>						
Opinions	13	103	3	9	3	131
Motion on the Merits	0	0	0	0	0	0
Dismissed	45	56	29	1	1	132
Transferred	21	9	45	0	0	75
Review Not Accepted	5	559	15	1	0	580
Other Terminations	31	374	19	49	0	473
Total Resolved	115	1,101	111	60	4	1,391
<b>PENDING AT YEAR END<sup>1</sup></b>						
Cases Stayed	4	7	7	N/A	0	18
Cases Ready	1	4	0	N/A	0	5
Cases Not Ready	45	470	26	N/A	0	541
Set for Motion on Merits	0	0	0	N/A	0	0
Set for Motion Calendar	0	6	0	N/A	0	6
Set for Oral Argument	8	29	9	N/A	1	47
Total Awaiting Hearing	58	516	42	N/A	1	617
Opinion/Order in Process	9	35	2	N/A	1	47
Total Pending Decision	67	551	44	N/A	2	664
<b>MANDATED</b>						
Opinions	15	107	2	6	3	133
Other	112	995	126	54	1	1,288
Total Mandated	127	1,102	128	60	4	1,421

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
 Court Activity, Cases from Trial Courts, 2003

	-----Appeals-----			-----Discr. Review-----			Death Penalty Review	Exp Public Funds <sup>1</sup>	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total			
<b>FILINGS</b>									
Total Filings	5	52	57	9	19	28	0	46	131
<b>RESOLUTIONS<sup>2</sup></b>									
Opinions	0	12	12	1	0	1	0	0	13
Motion on the Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	12	12	0	1	1	0	32	45
Transferred	1	20	21	0	0	0	0	0	21
Review Not Accepted	0	0	0	1	3	4	0	1	5
Other Terminations	0	6	6	5	5	10	0	15	31
Total Resolved	1	50	51	7	9	16	0	48	115
<b>PENDING AT YEAR END<sup>2</sup></b>									
Cases Stayed	0	2	2	1	1	2	0	0	4
Cases Ready	0	0	0	0	1	1	0	0	1
Cases Not Ready	7	22	29	3	6	9	3	4	45
Set for Motion on Merits	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0	0	0	0
Set for Oral Argument	0	7	7	0	1	1	0	0	8
Total Awaiting Hearing	7	31	38	4	9	13	3	4	58
Opinion/Order in Process	1	6	7	0	1	1	1	0	9
Total Pending Decision	8	37	45	4	10	14	4	4	67
<b>MANDATED</b>									
Opinions	1	11	12	1	2	3	0	0	15
Other	1	44	45	8	10	18	0	49	112
Total Mandated	2	55	57	9	12	21	0	49	127

<sup>1</sup> Expenditure of Public Funds.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Cases from Court of Appeals, 2003

	--Petition for Review--			-- Motions for --- Discr. Review ---			Discr. Review PRP	Certifi- cations	Transfers (party motions)	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total				
<b>FILINGS</b>										
Total Filings	427	301	728	38	69	107	286	0	3	1,124
<b>RESOLUTIONS<sup>1</sup></b>										
Opinions	46	44	90	3	1	4	5	3	1	103
Motion on the Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	13	22	35	2	6	8	10	1	2	56
Transferred	6	2	8	0	0	0	1	0	0	9
Review Not Accepted	168	144	312	13	29	42	204	0	1	559
Other Terminations	142	119	261	19	33	52	57	0	4	374
Total Resolved	375	331	706	37	69	106	277	4	8	1,101
<b>PENDING AT YEAR END<sup>1</sup></b>										
Cases Stayed	3	2	5	0	0	0	2	0	0	7
Cases Ready	3	0	3	0	0	0	1	0	0	4
Cases Not Ready	249	147	396	8	16	24	50	0	0	470
Set for Motion on Merits	0	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	6	0	6	0	0	0	0	0	0	6
Set for Oral Argument	5	17	22	0	0	0	5	0	2	29
Total Awaiting Hearing	266	166	432	8	16	24	58	0	2	516
Opinion/Order in Process	14	13	27	0	0	0	2	1	5	35
Total Pending Decision	280	179	459	8	16	24	60	1	7	551
<b>MANDATED</b>										
Opinions	51	43	94	4	1	5	6	2	0	107
Other	325	284	609	34	75	109	269	1	7	995
Total Mandated	376	327	703	38	76	114	275	3	7	1,102

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II) measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
 Court Activity, Original Actions and Federal Court, 2003

	Actions Against State Officers	Personal Restraints	Death Penalty PRP	Misc. Reviews	TOTAL	Certified from Federal Court
<b>FILINGS</b>						
Total Filings	8	107	1	11	127	2
<b>RESOLUTIONS<sup>1</sup></b>						
Opinions	1	1	1	0	3	3
Motion on the Merits	0	0	0	0	0	0
Dismissed	2	24	0	3	29	1
Transferred	0	45	0	0	45	0
Review Not Accepted	0	15	0	0	15	0
Other Terminations	5	9	0	5	19	0
Total Resolved	8	94	1	8	111	4
<b>PENDING AT YEAR END<sup>1</sup></b>						
Cases Stayed	0	7	0	0	7	0
Cases Ready	0	0	0	0	0	0
Cases Not Ready	0	19	4	3	26	0
Set for Motion on Merits	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0
Set for Oral Argument	0	9	0	0	9	1
Total Awaiting Hearing	0	35	4	3	42	1
Opinion/Order in Process	1	1	0	0	2	1
Total Pending Decision	1	36	4	3	44	2
<b>MANDATED</b>						
Opinions	1	0	1	0	2	3
Other	9	107	0	10	126	1
Total Mandated	10	107	1	10	128	4

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
 Court Activity, Cases from WSBA and Commission on Judicial Conduct, 2003

	----- Washington State Bar Association -----						-Comm. on Judicial Conduct-				
	Admissn Appeals	Admissn Petition	Discpl Appeals	Discr. Review	Discpl Show Cause	Discpl Other <sup>1</sup>	Total WSBA	Discpl/ Disblty Appeals	Discpl/ Disblty Discr.R	Total CJC	TOTAL
<b>FILINGS</b>											
Total Filings	0	0	32	1	10	54	97	0	0	0	97
<b>RESOLUTIONS<sup>2</sup></b>											
Opinions	0	0	8	0	0	0	8	0	1	1	9
Motion on the Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	1	0	0	0	1	0	0	0	1
Transferred	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	1	0	0	1	0	0	0	1
Other Terminations	0	0	13	0	7	29	49	0	0	0	49
Total Resolved	0	0	22	1	7	29	59	0	1	1	60
<b>PENDING AT YEAR END<sup>2</sup></b>											
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED<sup>2</sup></b>											
Opinions	0	0	5	0	0	0	5	0	1	1	6
Other	0	0	15	1	7	31	54	0	0	0	54
Total Mandated	0	0	20	1	7	31	59	0	1	1	60

<sup>1</sup> Includes Notice of Discipline, Stipulation and Reciprocal Discipline.

<sup>2</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
History of Filings, 1999-2003<sup>1</sup>

	1999	2000	% Chg <sup>4</sup>	2001	% Chg <sup>4</sup>	2002	% Chg <sup>4</sup>	2003	% Chg <sup>4</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	8	4		8		4		5	
Civil Appeals	44	39		48		56		52	
Total Appeals	52	43		56		60		57	
Direct Discretionary Review	16	27		19		23		28	
Death Penalty Review	0	0		3		1		0	
Exp. Public Funds	55	33		40		61		46	
TOTAL--TRIAL COURTS	123	103	-16.3%	118	14.6%	145	22.9%	131	-9.7%
<b><u>COURT OF APPEALS</u></b>									
Criminal	444	413		373		367		427	
Civil	339	319		327		315		301	
Total Petition for Review	783	732		700		682		728	
Motion for Discr. Review	367	368		112		135		107	
Motion for Discr. Rvw of PRP <sup>2</sup>	0	37		301		280		286	
Certifications/Transfers	12	14		9		15		3	
TOTAL--COURT OF APPEALS	1,162	1,151	-0.9%	1,122	-2.5%	1,112	-0.9%	1,124	1.1%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	155	316	103.9%	176	-44.3%	125	-29.0%	129	3.2%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC	194	230	18.6%	241	4.8%	159	-34.0%	97	-39.0%
TOTAL FILED	1,634	1,800	10.2%	1,657	-7.9%	1,541	-7.0%	1,481	-3.9%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Resolutions, 1999-2003<sup>1</sup>

	1999	2000	% Chg <sup>5</sup>	2001	% Chg <sup>5</sup>	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	8	10		12		6		1	
Civil Appeals	51	50		33		57		50	
Total Appeals	59	60		45		63		51	
Direct Discretionary Review	17	21		17		34		16	
Death Penalty Review	0	0		0		0		0	
Exp. Public Funds	51	43		34		64		48	
TOTAL--TRIAL COURTS	127	124	-2.4%	96	-22.6%	161	67.7%	115	-28.6%
<b><u>COURT OF APPEALS</u></b>									
Criminal	425	475		340		329		375	
Civil	341	321		309		286		331	
Total Petition for Review	766	796		649		615		706	
Motion for Discr. Review	349	402		144		125		106	
Motion for Discr. Rvw of PRP <sup>2</sup>	0	1		270		285		277	
Certifications/Transfers	13	20		14		9		12	
TOTAL--COURT OF APPEALS	1,128	1,219	8.1%	1,077	-11.6%	1,034	-4.0%	1,101	6.5%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	91	90	-1.1%	443	392.2%	122	-72.5%	115	-5.7%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>4</sup>	8	4	. %	3	. %	4	. %	60	. %
TOTAL RESOLVED	1,354	1,437	6.1%	1,619	12.7%	1,321	-18.4%	1,391	5.3%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

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<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298,12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

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<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Pending Cases, 1999-2003<sup>1</sup>

	1999	2000	% Chg <sup>5</sup>	2001	% Chg <sup>5</sup>	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	13	7		4		1		8	
Civil Appeals	34	25		42		38		37	
Total Appeals	47	32		46		39		45	
Direct Discretionary Review	8	13		15		4		14	
Death Penalty Review	0	0		3		4		4	
Exp. Public Funds	6	4		9		7		4	
TOTAL--TRIAL COURTS	61	49	-19.7%	73	49.0%	54	-26.0%	67	24.1%
<b><u>COURT OF APPEALS</u></b>									
Criminal	184	158		191		225		280	
Civil	147	163		179		206		179	
Total Petition for Review	331	321		370		431		459	
Motion for Discr. Review	69	49		15		13		24	
Motion for Discr. Rvw of PRP <sup>2</sup>	0	35		63		56		60	
Certifications/Transfers	9	9		7		5		8	
TOTAL--COURT OF APPEALS	409	414	1.2%	455	9.9%	505	11.0%	551	9.1%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	102	306	200.0%	38	-87.6%	42	10.5%	46	9.5%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>4</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL PENDING DECISION	572	769	34.4%	566	-26.4%	601	6.2%	664	10.5%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

## The Supreme Court

Court Activity Trends, All Reviews, 1999-2003<sup>1</sup>

	1999	2000	% Chg	2001	% Chg	2002	% Chg	2003	% Chg
<b>FILINGS</b>									
Total Filings	1,634	1,800	10.2%	1,657	-7.9%	1,541	-7.0%	1,481	-3.9%
<b>RESOLUTIONS<sup>2</sup></b>									
Opinions	133	106		139		123		131	
Motion on the Merits	1	0		0		0		0	
Dismissed	50	54		345		67		132	
Transferred	90	76		118		119		75	
Review Not Accepted	971	1,051		898		889		580	
Other Terminations	109	150		119		123		473	
Total Resolved	1,354	1,437	6.1%	1,619	12.7%	1,321	-18.4%	1,391	5.3%
<b>PENDING AT YEAR END<sup>2</sup></b>									
Cases Stayed <sup>3</sup>	79	287		27		21		18	
Cases Ready	18	13		9		6		5	
Cases Not Ready	396	152		179		160		541	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	222		271		339		6	
Set for Oral Argument	41	35		28		23		47	
Total Awaiting Hearing	534	709	32.8%	514	-27.5%	549	6.8%	617	12.4%
Opinion/Order in Process	38	60	57.9%	52	-13.3%	52	0.0%	47	-9.6%
Total Pending Decision	572	769	34.4%	566	-26.4%	601	6.2%	664	10.5%
<b>MANDATED</b>									
Opinions	133	102	-23.3%	130	27.5%	121	-6.9%	133	9.9%
Other	1,213	1,303	7.4%	1,479	13.5%	1,195	-19.2%	1,288	7.8%
Total Mandated	1,346	1,405	4.4%	1,609	14.5%	1,316	-18.2%	1,421	8.0%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

The Supreme Court  
 Court Activity Trends, Cases from Trial Courts, 1999-2003

	1999	2000	% Chg <sup>2</sup>	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	123	103	-16.3%	118	14.6%	145	22.9%	131	-9.7%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	22	20		21		17		13	
Motion on the Merits	1	0		0		0		0	
Dismissed	11	10		18		16		45	
Transferred	29	34		11		40		21	
Review Not Accepted	12	14		8		20		5	
Other Terminations	52	46		38		68		31	
Total Resolved	127	124	-2.4%	96	-22.6%	161	67.7%	115	-28.6%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	2	0		2		0		4	
Cases Ready	1	6		2		0		1	
Cases Not Ready	42	29		56		46		45	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	7	3		4		1		8	
Total Awaiting Hearing	52	38	-26.9%	64	68.4%	47	-26.6%	58	23.4%
Opinion/Order in Process	9	11	. %	9	. %	7	. %	9	. %
Total Pending Decision	61	49	-19.7%	73	49.0%	54	-26.0%	67	24.1%
<b>MANDATED</b>									
Opinions	20	22	. %	23	. %	14	. %	15	. %
Other	108	100	-7.4%	73	-27.0%	141	93.2%	112	-20.6%
Total Mandated	128	122	-4.7%	96	-21.3%	155	61.5%	127	-18.1%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
 Court Activity Trends, Cases from Court of Appeals, 1999-2003

	1999	2000	% Chg <sup>2</sup>	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	1,162	1,151	-0.9%	1,122	-2.5%	1,112	-0.9%	1,124	1.1%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	102	75		110		103		103	
Motion on the Merits	0	0		0		0		0	
Dismissed	31	28		27		22		56	
Transferred	2	0		0		0		9	
Review Not Accepted	956	1,033		889		867		559	
Other Terminations	37	83		51		42		374	
Total Resolved	1,128	1,219	8.1%	1,077	-11.6%	1,034	-4.0%	1,101	6.5%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	6	11		24		14		7	
Cases Ready	15	7		6		4		4	
Cases Not Ready	328	94		88		84		470	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	222		271		339		6	
Set for Oral Argument	32	32		23		22		29	
Total Awaiting Hearing	381	366	-3.9%	412	12.6%	463	12.4%	516	11.4%
Opinion/Order in Process	28	48	. %	43	-10.4%	42	-2.3%	35	-16.7%
Total Pending Decision	409	414	1.2%	455	9.9%	505	11.0%	551	9.1%
<b>MANDATED</b>									
Opinions	106	73	-31.1%	100	37.0%	104	4.0%	107	2.9%
Other	1,021	1,128	10.5%	976	-13.5%	931	-4.6%	995	6.9%
Total Mandated	1,127	1,201	6.6%	1,076	-10.4%	1,035	-3.8%	1,102	6.5%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
Court Activity Trends, Original Actions, 1999-2003

	1999	2000	% Chg <sup>3</sup>	2001	% Chg <sup>3</sup>	2002	% Chg <sup>3</sup>	2003	% Chg <sup>3</sup>
<b>FILINGS</b>									
Total Filings	146	316	116.4%	174	-44.9%	121	-30.5%	127	5.0%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	4	4		5		1		3	
Motion on the Merits	0	0		0		0		0	
Dismissed	7	14		299		26		29	
Transferred	59	42		107		79		45	
Review Not Accepted	0	3		1		2		15	
Other Terminations	16	21		30		13		19	
Total Resolved	86	84	-2.3%	442	426.2%	121	-72.6%	111	-8.3%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed <sup>2</sup>	70	276		1		7		7	
Cases Ready	0	0		1		0		0	
Cases Not Ready	26	29		35		30		26	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	0	0		0		0		9	
Total Awaiting Hearing	96	305	217.7%	37	-87.9%	37	0.0%	42	13.5%
Opinion/Order in Process	0	1	. %	0	. %	1	. %	2	. %
Total Pending Decision	96	306	218.8%	37	-87.9%	38	2.7%	44	15.8%
<b>MANDATED</b>									
Opinions	3	2	. %	7	. %	2	. %	2	. %
Other	81	75	-7.4%	428	470.7%	122	-71.5%	126	3.3%
Total Mandated	84	77	-8.3%	435	464.9%	124	-71.5%	128	3.2%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298,12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>3</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
 Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 1999-2003

	1999	2000	% Chg <sup>2</sup>	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	194	230	18.6%	241	4.8%	159	-34.0%	97	-39.0%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	2	2		3		1		9	
Motion on the Merits	0	0		0		0		0	
Dismissed	0	1		0		3		1	
Transferred	0	0		0		0		0	
Review Not Accepted	3	1		0		0		1	
Other Terminations	3	0		0		0		49	
Total Resolved	8	4	. %	3	. %	4	. %	60	. %
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED<sup>1</sup></b>									
Opinions	1	0	. %	0	. %	0	. %	6	. %
Other	1	0	. %	0	. %	1	. %	54	. %
Total Mandated	2	0	. %	0	. %	1	. %	60	. %

<sup>1</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>2</sup> Percentages are not reported when numbers are small (less than 30).